

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 89 be amended to read as follows:

- 1 Page 85, between lines 2 and 3, begin a new paragraph and
2 insert:
3 SECTION 45. IC 32-28-14-7, AS ADDED BY P.L.135-2007,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS: Sec. 7. (a)
5 Except as provided in subsection (b), in a voluntary conveyance, the
6 grantee of real estate is jointly and severally liable with the grantor
7 for all unpaid assessments against the grantor for the grantor's share
8 of the common expenses incurred before the grant or conveyance,
9 without prejudice to the grantee's right to recover from the grantor
10 the amounts of common expenses paid by the grantee.
11 (b) The grantee:
12 (1) is entitled to a statement from the manager, board of
13 directors, or other governing authority of the homeowners
14 association that sets forth the amount of the unpaid assessments
15 against the grantor; and
16 (2) is not liable for, and the real estate conveyed is not subject
17 to a homeowners association lien for, any unpaid assessments
18 against the grantor unless the lien for unpaid assessments is
19 recorded under section 6 of this chapter before recording the
20 deed by which the grantee takes title; **or**
21 **(B) the grantee has actual knowledge of unpaid assessments.**
22 (c) If the mortgagee of a first mortgage of record or other
23 purchaser of real estate obtains title to the real estate as a result of
24 foreclosure of the first mortgage, the acquirer of title or the

1 acquirer's successors and assigns are not liable for the share of the
2 common expenses or assessments by the homeowners association
3 chargeable to the real estate that became due before the acquisition
4 of title to real estate by the acquirer. The unpaid share of common
5 expenses or assessments is considered to be common expenses
6 collectible from all of the owners of real estate in the subdivision,
7 including the acquirer or the acquirer's successors and assigns.

8 Section 46. IC 32-28-14-8, AS ADDED BY P.L.135-2007,
9 SECTION 3, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2008] Sec. 8. (a) A homeowners association
11 **or its manager acting on behalf of the homeowners association**
12 may enforce a homeowners association lien by filing a complaint in
13 the circuit or superior court of the county where the real estate that
14 is the subject of the lien is located. The complaint must be filed not
15 later than ~~one (1) year~~ **ten (10) years** after the date the statement and
16 notice of intention to hold a lien was recorded under section 6 of this
17 chapter.

18 (b) If a lien is not enforced within the time set forth in subsection
19 (a), the lien is void.

20 (c) If a lien is foreclosed under this chapter, the court rendering
21 judgment shall order a sale to be made of the real estate subject to the
22 lien. The officers making the sale shall sell the real estate without any
23 relief from valuation or appraisal laws.

24 **(d) A homeowners association or its manager acting on behalf**
25 **of the homeowners association may, unless prohibited by the**
26 **declaration:**

27 **(1) bid on the real estate at the foreclosure sale; and**

28 **(2) acquire, hold, lease, mortgage, and convey the real estate.**

29 **(e) An action to recover a money judgment for unpaid common**
30 **expenses may be maintained without foreclosing or having a lien**
31 **securing the expenses.”.**

32 Renumber all SECTIONS consecutively.

(Reference is to ESB 89 as printed February 22, 2008.)

Representative HARRIS T